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SENATE BILL 392

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Mark Boitano

AN ACT

RELATING TO PUBLIC SCHOOLS; PROVIDING FOR A CLASS LOAD WAIVER UNDER CERTAIN CIRCUMSTANCES; PROVIDING ADDITIONAL COMPENSATION FOR CERTAIN TEACHERS WITH CLASS LOADS ABOVE STATUTORY CLASS LOAD REQUIREMENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-10A-20 NMSA 1978 (being Laws 1986, Chapter 33, Section 3, as amended) is amended to read:

"22-10A-20. STAFFING PATTERNS--CLASS LOAD--TEACHING LOAD.--

A. Except as otherwise provided in this section, the individual class load for elementary school teachers shall not exceed twenty students for kindergarten; provided that any teacher in kindergarten with a class load of fifteen to twenty students shall be entitled to the assistance of an educational

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1 assistant.

2 B. Except as otherwise provided in this section,
3 the average class load for elementary school teachers at an
4 individual school shall not exceed twenty-two students when
5 averaged among grades one, two and three; provided that any
6 teacher in grade one with a class load of twenty-one or more
7 shall be entitled to the full-time assistance of an educational
8 assistant.

9 C. Except as otherwise provided in this section,
10 the average class load for an elementary school teacher at an
11 individual school shall not exceed twenty-four students when
12 averaged among grades four, five and six.

13 D. Except as otherwise provided in this section,
14 the daily teaching load per teacher for grades seven through
15 twelve shall not exceed one hundred sixty students, except the
16 daily teaching load for teachers of required English courses in
17 grades seven and eight shall not exceed one hundred thirty-five
18 with a maximum of twenty-seven students per class and the daily
19 teaching load for teachers of required English courses in
20 grades nine through twelve shall not exceed one hundred fifty
21 students with a maximum of thirty students per class.

22 E. Students receiving special education services
23 integrated into a regular classroom for any part of the day
24 shall be counted in the calculation of class load averages.
25 Students receiving special education services not integrated

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1 into the regular classroom shall not be counted in the
2 calculation of class load averages. Only classroom teachers
3 charged with responsibility for the regular classroom
4 instructional program shall be counted in determining average
5 class loads. In elementary schools offering only one grade
6 level, average class loads may be calculated by averaging
7 appropriate grade levels between schools in the school
8 district.

9 F. Class load limits provided for in this section
10 do not apply to band or music classes or athletic electives.

11 G. A public school in a school district with more
12 than forty thousand students may waive class load requirements.

13 A class load waiver pursuant to this subsection requires the
14 approval of the school principal, the affected teacher and at
15 least seventy-five percent of the parents in the class for
16 which a waiver is being sought. The school principal shall
17 notify the local superintendent of an approved waiver pursuant
18 to this subsection. In determining the maximum class load,
19 when the percentage is not a whole number, the number shall be
20 rounded down to the next whole number.

21 H. Teachers who agree to teach classes pursuant to
22 Subsection G of this section shall be provided additional
23 compensation at the following rates:

24 (1) seven percent of the teacher's negotiated
25 contract rate for waived class loads of fifteen to nineteen

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1 percent above statutory class requirements; and

2 (2) twelve percent of the teacher's negotiated
3 contract rate for waived class loads of twenty percent or
4 greater above statutory class requirements.

5 ~~[G.]~~ I. In addition to the waiver provided in
6 Subsection G of this section, the [state superintendent]
7 secretary may waive the individual school class load
8 requirements established in this section. Waivers shall be
9 applied for annually and a waiver shall not be granted for more
10 than two consecutive years. Waivers may only be granted if a
11 school district demonstrates that:

12 (1) no portable classrooms are available;

13 (2) no other available sources of funding
14 exist to meet its need for additional classrooms;

15 (3) the school district is planning
16 alternatives to increase building capacity for implementation
17 within one year; and

18 (4) the parents of all children affected by
19 the waiver have been notified in writing:

20 (a) of the statutory class load
21 requirements;

22 (b) that the school district has made a
23 decision to deviate from these class load requirements; and

24 (c) of the school district plan to
25 achieve compliance with the class load requirements.

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1 ~~[H.]~~ J. If a waiver is granted pursuant to
2 Subsection G or I of this section to an individual school, the
3 average class load for elementary school teachers at that
4 school shall not exceed twenty students in grade one and shall
5 not exceed twenty-five students when averaged among grades two,
6 three, four, five and six.

7 ~~[I.]~~ K. Each school district shall report to the
8 department the size and composition of classes subsequent to
9 the fortieth day and the December 1 count. Failure to meet
10 class load requirements within two years shall be justification
11 for the disapproval of the school district's budget by the
12 ~~[state superintendent]~~ department.

13 ~~[J.]~~ L. The department shall report to the
14 legislative education study committee by November 30 of each
15 year regarding each school district's ability to meet class
16 load requirements imposed by law.

17 ~~[K.]~~ M. Notwithstanding the provisions of
18 ~~[Subsection]~~ Subsections G and I of this section, the ~~[state~~
19 ~~board]~~ secretary may waive the individual class load and
20 teaching load requirements established in this section upon a
21 demonstration of a viable alternative curricular plan and a
22 finding by the ~~[state board]~~ secretary that the plan is in the
23 best interest of the school district and that, on an annual
24 basis, the plan has been presented to and is supported by the
25 affected teaching staff. The department shall evaluate the

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1 impact of each alternative curricular plan annually. Annual
2 reports shall be made to the legislative education study
3 committee.

4 ~~[E.]~~ N. Teachers shall not be required to perform
5 noninstructional duties except in emergency situations as
6 defined by the ~~[state board]~~ department. For purposes of this
7 subsection, "noninstructional duties" means noon hall duty,
8 noon ground duty and noon cafeteria duty."

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